

City of Dayton

Citizens' Appeal Board

Established September 19, 1990



Citizens' Appeal Board
c/o Department of Human Resources
101 W. Third St
Dayton, OH 45402
937-333-4045

Q. What is the Citizens' Appeal Board?

- A.** The Citizens' Appeal Board ("Board") is a five-member body established by the City Manager as authorized by a City Commission Ordinance. The Dayton Police Department's Internal Affairs Division investigates alleged Police misconduct and issues findings and the Board hears any citizens' appeals of those findings. Additional duties of the Board include reviewing quarterly reports from the Internal Affairs Division regarding misconduct cases that are under investigation and working to enhance professional standards within the Police Department.

Q. Who serves on the Board?

- A.** Board members are appointed by the City Manager for rotating two-year terms, and include one representative from the legal community, one former member of the law enforcement community, and three individuals selected from the community. The Board represents the racial and geographic mix of the City, and has a balanced male and female representation.

Q. How does the Board fit within the City of Dayton organizational structure?

- A.** The Board operates outside of the Dayton Police Department and is appointed by the City Manager. Meetings are held at City Hall, in the Department of Human Resources, Third Floor, 101 W. Third St., Dayton, Ohio, on the third Tuesday of March, June, September and December, provided that there are pending cases to be heard.

Q. Who can make an appeal to the Board?

- A.** Citizens who are dissatisfied with the findings of the misconduct investigation may appeal their complaint to the Board. Complaints may be filed against both sworn and civilian personnel. The Board does not hear appeals from Police Officers who file complaints because they have other avenues for recourse.

Q. How is an appeal filed?

- A.** Appeals should be made in writing on the official Board Form. The appeal must be filed with the Board within thirty (30) calendar days of the date the Police Department Internal Affairs Division issues its findings. Blank forms will be mailed with the letter informing complainants of the findings of the initial complaint investigation. Forms are also available in the Department of Human Resources, the City Manager's Office and the Department of Planning, all of which are located at 101 W. Third Street, Dayton, Ohio 45402. The Department of Human Resources can be reached at 937-333-4045. The forms are also located on the City of Dayton Internet at: www.cityofdayton.org under Departments; Human Resources or Police.

Forms can also be found at the following locations:

Safety Building - 335 W. Third St.

Legal Aid of Western Ohio - 333 W. First St., Suite 500

NAACP - 1528 W. Dr. Martin Luther King Jr. Way

Public Defenders Office - 117 W. Main, 4th Floor, Reibold Building

Q. Where do I File the Appeal Form?

A. Completed forms should be mailed to:

Citizens' Appeal Board
Department of Human Resources
101 W. Third St., P.O. Box 22
Dayton, OH 45401

Appeals can also be filed at any Police District offices or the Internal Affairs Bureau, 371 W. Second St., Dayton, OH 45402.

Q. What happens after an appeal has been filed?

A. After reviewing an appeal, the Board may schedule a hearing at its next regular quarterly meeting, or at another time agreed upon by the Board or as directed by the City Manager. The Board will notify the individual(s) filing the appeal(s) as to when the hearing(s) will be conducted. All hearings shall be open to the public.

Q. What process will the Board follow with each appeal?

A. The Board will, with the assistance of the Legal Advisor assigned to the appeal, review the Police Department's investigation of the citizen's complaint and the information provided on the Board form. The Board will also hear testimony from the appellant. If the Board determines that additional investigation is needed, it may request these efforts from the Police Department's Internal Affairs Bureau. The City Commission has given the Board the authority to subpoena witnesses to incidents being appealed.

The Board then, using the preponderance of evidence standard, will discuss and determine whether it sustains or does not sustain the Police Department's investigation findings. This decision is forwarded to the City Manager in report form, which is a matter of public record.

Q. How are the Board's decisions reported?

A. Following an appeal hearing, the Board's recommendations will be submitted to the City Manager and will become public record.

Q. Are the Board's meetings open to the public?

A. Yes. Meetings will be open for the purpose of hearing appeals, reviewing Police policies and procedures, and receiving public comment on any other related issues. However, when the Board is discussing personnel matters or on-going investigations, the meetings will be closed.

Q. Does the Board have any authority when it comes to disciplinary action?

A. No. The Board will make no recommendations concerning the discipline of an employee, which is determined solely by the Chief of Police; instead, the Board will decide if it concurs or does not concur with the results of the Police Department investigation. As a result of the Board's findings, the City Manager may meet with the Chief of Police to discuss the conclusions and seek additional remedies to the situation. According to the City of Dayton Charter, the Board may not change any discipline previously given by the Chief of Police in response to the original complaint.